

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

VERNIE WAYNE McDANIEL,  
ID # 1194113,

Petitioner,

VS.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Divisions,

Respondent.

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Civil Action No. 3:06-CV-1673-L

## ORDER

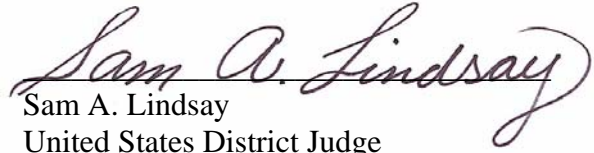
Petitioner Vernie Wayne McDaniel (“Petitioner”) has filed an application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings, conclusions and recommendation. On January 24, 2007, the Findings, Conclusions and Recommendation of the United States Magistrate Judge were filed. No objections were filed.

The magistrate judge recommended that Petitioner’s application be dismissed as time-barred under the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), Pub. L. 104-132, 110 Stat. 1214 (1996), codified at 28 U.S.C. § 2254(d). Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct. Accordingly, the magistrate’s findings and conclusions are **accepted** as those of the

court. Petitioner's application is **denied**, and this action is **dismissed with prejudice** as time-barred.

A final judgment dismissing this case with prejudice will be issued by separate document.

**It is so ordered** this 14<sup>th</sup> day of February, 2007.

  
Sam A. Lindsay  
United States District Judge